



General Assembly

Amendment

February Session, 2018

LCO No. 5029



Offered by:

SEN. LOONEY, 11th Dist.

SEN. WINFIELD, 10th Dist.

SEN. DUFF, 25th Dist.

SEN. MOORE, 22nd Dist.

SEN. GERRATANA, 6th Dist.

SEN. BYE, 5th Dist.

To: Subst. Senate Bill No. **336**

File No. 518

Cal. No. 322

"AN ACT CONCERNING COMMUNITY SHARED SOLAR."

1 Strike everything after the enacting clause and substitute the
2 following in lieu thereof:

3 "Section 1. (NEW) (*Effective January 1, 2019*) (a) As used in this
4 section:

5 (1) "Broadband Internet access service" means a mass-market retail
6 service by wire or radio that provides the capability to transmit data to
7 and receive data from all or substantially all Internet endpoints,
8 including any capability that is incidental to and enables the operation
9 of the service, but excluding dial-up Internet access service;

10 (2) "Content, applications and services" means all traffic transmitted
11 to or from end users of a broadband Internet access service;

12 (3) "Edge provider" means any person or entity that provides (A)

13 any content, application or service over the Internet, or (B) a device
14 used for accessing any content, application or service over the Internet;

15 (4) "End user" means any person or entity that uses a broadband
16 Internet access service;

17 (5) "Fixed broadband Internet access service" means a broadband
18 Internet access service that services end users primarily at fixed
19 endpoints using stationary equipment, including fixed wireless
20 services, fixed unlicensed wireless services and fixed satellite services;

21 (6) "Mobile broadband Internet access service" means a broadband
22 Internet access service that serves end users primarily using mobile
23 stations;

24 (7) "Net neutrality principles" means the provisions described in
25 subsections (d) to (g), inclusive, of this section;

26 (8) "Paid prioritization" means the management of a broadband
27 Internet access service provider's network to directly or indirectly
28 favor some traffic over other traffic, including through use of
29 techniques such as traffic shaping, prioritization, resource reservation
30 or other forms of preferential traffic management either (A) in
31 exchange for monetary or other consideration from a third party, or (B)
32 to benefit an affiliated entity;

33 (9) "Authority" means the Public Utilities Regulatory Authority; and

34 (10) "Reasonable network management" means a network
35 management practice that has a primarily technical network
36 management justification, but does not include other business
37 practices, provided a network management practice is reasonable if it
38 is primarily used for and tailored to achieving a legitimate network
39 management purpose, as determined by the authority, taking into
40 account the particular network architecture and technology of the
41 broadband Internet access service.

42 (b) A person or entity engaged in the provision of fixed or mobile

43 broadband Internet access services within the state shall register with
44 the authority, in a manner prescribed by the authority. Beginning with
45 January 1, 2019, and on or before each January first thereafter, each
46 registered person or entity shall pay an annual registration fee to the
47 authority in the amount of five thousand dollars.

48 (c) A person or entity engaged in the provision of fixed or mobile
49 broadband Internet access services within the state shall publicly
50 disclose accurate information regarding the network management
51 practices, performance and commercial terms of its broadband Internet
52 access services sufficient, as determined by the authority, for end users
53 of such services to fully and accurately ascertain if the service is in
54 compliance with this section.

55 (d) A person or entity engaged in the provision of fixed or mobile
56 broadband Internet access services within the state shall not block
57 lawful content, applications, services, as determined by the authority,
58 or nonharmful devices, as determined by the authority, subject to
59 reasonable network management.

60 (e) A person or entity engaged in the provision of fixed or mobile
61 broadband Internet access services within the state shall not impair or
62 degrade lawful Internet traffic on the basis of Internet content,
63 application or service, or use of a nonharmful device, subject to
64 reasonable network management.

65 (f) A person or entity engaged in the provision of fixed or mobile
66 broadband Internet access services within the state shall not engage in
67 paid prioritization.

68 (g) Any person or entity engaged in the provision of fixed or mobile
69 broadband Internet access services within the state shall not interfere
70 with or disadvantage (1) end users' ability to select, access and use
71 broadband Internet access service or lawful Internet content,
72 applications or services, or devices of such end users' choice, or (2)
73 edge providers' ability to make lawful content, applications, services or
74 devices available to end users, provided such person or entity may

75 engage in reasonable network management.

76 (h) The authority shall receive and record complaints of any end
77 user of broadband Internet access service within the state. Upon
78 receipt of such complaints, the authority may, in its discretion, review
79 the performance of a person or entity engaged in the provision of fixed
80 or mobile broadband Internet access service. The authority, upon a
81 finding that any such person or entity failed to comply with the net
82 neutrality principles described in this section, shall make orders, after
83 a hearing that is conducted as a contested case in accordance with
84 chapter 54 of the general statutes, to enforce the provisions of this
85 section and may levy civil penalties against such person or entity,
86 pursuant to section 16-41 of the general statutes, for noncompliance.

87 (i) Nothing in this section shall be considered to supersede or limit
88 any obligation or authorization a person or entity engaged in the
89 provision of fixed or mobile broadband Internet access services may
90 have to address the needs of emergency communications, law
91 enforcement, public safety or national security authorities, consistent
92 with or as permitted by applicable law. Nothing in this section shall be
93 construed to prohibit reasonable efforts by a person or entity engaged
94 in the provision of fixed or mobile broadband Internet access services
95 to address copyright infringement or other unlawful activity."

This act shall take effect as follows and shall amend the following sections:		
Section 1	January 1, 2019	New section